

**MINUTES OF THE
WV RACING COMMISSION
Friday March 18, 2011
Mardi Gras Casino & Resort**

The WV Racing Commission met on March 18, 2011, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith and Commissioner Jack Rossi, and Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of February 14, 2011 minutes

The Commissioners and both attorneys received the minutes from the February 14, 2011, meeting prior to this meeting. Jack Rossi moved to accept the minutes as written, Greg McDermott seconded the motion. The Commissioners approved the February 14, 2011 minutes by unanimous consent.

Procedural rule on due process and hearings

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the Commission approved the filing of the rules as amended for the thoroughbreds and greyhounds. Kelli Talbott disclosed the two hearings: one hearing for summary suspensions for pending hearings and one for occupational and trainers' licensing.

Approval of Mountaineer Racetrack capital improvement request for a camera in the amount of \$7,607.28

Upon motion of Mr. McDermott, seconded by Mr. Rossi, the Commission approved the purchase for the quarter mile pole camera. Mr. Amores commented the cost includes the camera, fiber cable and installation and that it is needed for more accurate coverage for the stewards.

Approval of Mountaineer Racetrack capital improvement request for funds to repair official's elevator, in the amount of \$15,642.59

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the Commission approved the new brake transformer for the elevator.

Approval of Mountaineer Racetrack request for additional purse money for the West Virginia Derby, in the amount of \$750,000.00

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the Commission approved the additional purse money. Rosemary Williams requested this to bring more competitive horses, and their owners and trainers, to the annual West Virginia Derby.

Approval of Mountaineer Racetrack's request for conditional allocations for promotional activities for the West Virginia Derby

Upon motion of Mr. McDermott, seconded by Mr. Rossi, the Commission approved the promotional money for several weekends leading up to and during the West Virginia Derby. There will be several activities, including Lee Greenwood performing at the track and online sweepstakes.

Approval of the holiday policy

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the Commission approved the policy. Mr. Amores noted that under the policy the compensatory day must be used within six months of the holiday worked date. The policy is effective one payroll cycle from this date.

Approval of the reinstatement of Axel DaSilva's jockey permit

Upon motion of Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reinstatement of the jockey permit for Mr. DaSilva, with the conditions recommended by the Stewards.

Corrective action for agency 1099 statements

Larry Carraher stated the corrected 1099 statements were complete, following auditing by Joe Moore and Becky Carnefix.

WV Thoroughbred Development Fund payments and corrective action

Mr. Carraher acknowledged the error. He and Ms. Carnefix spent two weeks at the two tracks with the Development Fund Clerks, sent letters to all recipients for proactive accuracy, working for three months. Despite this, a transposition occurred. Corrective actions of receiving back of over 90% of the overpayments and redistribution to the owners has taken place.

Approval to use prior year's funds to pay certain claims under the Thoroughbred Development Fund

Following discussion in Executive Session, upon a motion of Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to this use of these funds.

Discussion of new personnel in compliance with the new commission rules

Ms. Talbott informed the Commission about the timeframe of legislative rules and being sent to the Governor for his signature followed by filing with the Secretary of State. After a maximum of 90 days, the new personnel requirement is effective. She indicated that the applications and interview process may begin now. Mr. Rossi requested a chart of all staff for budgeting, for the hiring of more stewards, judges, security, and veterinarians.

Approval to recruit and hire an agency CFO, auditor for Mardi Gras, and Greyhound Development Fund Clerk

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the commission agreed to post openings for the positions.

Approval for filing of horse, dog and wagering rules

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the commission agreed to the filing of the amended thoroughbred, greyhound, and wagering rules with the Secretary of State.

Approval for evaluation by Office of Technology

Upon motion of Mr. Rossi, seconded by Mr. McDermott, the Commission recommended OT to evaluate and review the agency operations and software to begin immediately, making recommendations as needed.

Legislative update

Mr. Amores updated the 6 new bills passed:

- Keep fee revenue generated in the rules for the new positions.
- Take a certain percentage (with a cap on the amount) of the Thoroughbred Development Fund money for costs for managing the fund.
- Hearing examiners can handle administrative hearings for the Commission.
- Stagger permits to three times a year rather once a year.
- Accredited horse definition includes registration with the Thoroughbred Development Fund.
- Change title of the Executive Secretary to Executive Director.

With no further business, the meeting was adjourned at 11:30 AM.

NEXT COMMISSION MEETING

The next Racing Commission meeting is scheduled for April 15, 2011 at 10:00 AM at Hollywood Casino at Charles Town Races, in the Skyline Ballroom.